

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HANAD MAHAD-MIRE,	:	Case No. 1:16-cv-921
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
ATTORNEY GENERAL	:	
OF THE UNITED STATES, <i>et al.</i> ,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 12)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 12, 2017, submitted a Report and Recommendation. (Doc. 12). Petitioner filed objections on February 14, 2017. (Doc. 14).¹

¹ After reviewing the Report and Recommendation, Petitioner's objections, and the case record, the Court finds that Petitioner's objections are not well taken. The Report and Recommendations recommended Petitioner's petition for writ of habeas corpus be dismissed because Petitioner, who is facing deportation to Somalia, has failed to show that "there is 'good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.'" (Doc. 12, at 7 (quoting *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001))). Petitioner's objections fail to refute this conclusion. Additionally, Petitioner's objections offer no further support for the baseless claim, rejected by the Magistrate Judge, that his continued custody "without judicial oversight" violated the Fifth Amendment guarantee of procedural due process.

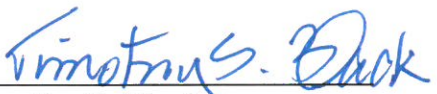
As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, **IT IS ORDERED** that:

- 1) Petitioner's petition for a writ of habeas corpus and writ of mandamus (Doc. 1) is **DENIED WITHOUT PREJUDICE**;
- 2) A certificate of appealability shall not issue with respect to any of the grounds for relief alleged in the petition because petitioner has not stated a "viable claim of the denial of a constitutional right," nor are the issues presented "adequate to deserve encouragement to proceed further." *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b);
- 3) The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Petitioner is denied leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date:

2/27/17


Timothy S. Black
United States District Judge